

Federal Emergency Management Agency

§ 11.1

§ 10.14 Flood plains and wetlands.

For any action taken by FEMA in a flood plain or wetland, the provisions of this part are supplemental to, and not instead of, the provisions of the FEMA regulation implementing Executive Order 11988, Flood Plain Management, and Executive Order 11990, Protection of Wetlands (44 CFR part 9).

PART 11—CLAIMS

Subpart A—General

Sec.

- 11.1 General collection standards.
- 11.2 Delegations of authority.

Subpart B—Administrative Claims Under Federal Tort Claims Act

- 11.10 Scope of regulation.
- 11.11 Administrative claim; when presented; appropriate FEMA office.
- 11.12 Administrative claim; who may file.
- 11.13 Investigations.
- 11.14 Administrative claim; evidence and information to be submitted.
- 11.15 Authority to adjust, determine, compromise and settle.
- 11.16 Limitations on authority.
- 11.17 Referral to Department of Justice.
- 11.18 Final denial of claim.
- 11.19 Action on approved claim.

Subpart C—Collection of Debts by the Government Under the Debt Collection Act of 1982

- 11.30 Scope of regulations.
- 11.31 Adoption of joint standards.
- 11.32 Subdivision and joining of debts.
- 11.33 Authority of offices to attempt collection of debts.
- 11.34 Referral of debts to the Chief Financial Officer, Federal Emergency Management Agency.
- 11.35 Authority of offices to compromise debts or suspend or terminate collection action.
- 11.36 Debt collection files.
- 11.37 [Reserved]
- 11.38 Annual reports to the Director, Office of Management and Budget, and the Secretary of the Treasury.
- 11.40 Records retention.
- 11.41 Suspension or revocation of eligibility.
- 11.42 Demand for payment of debts.
- 11.43 Collection by administrative offset.
- 11.44 [Reserved]
- 11.45 Collection by salary offset.
- 11.46 Liquidation of collateral.
- 11.47 Collection in installments.

- 11.48 Interest, penalties, and administrative charges.
- 11.49 Omission not a defense.
- 11.50 Standards for compromise of debts.
- 11.51 Standards for suspension or termination of collection.
- 11.52 Referral of delinquent debtors to consumer reporting agencies.
- 11.53 Securing debtor addresses from the Department of Treasury.
- 11.54 Contracts with debt collection agencies.
- 11.55 Referral to GAO or Justice Department.
- 11.56 Analysis of costs.
- 11.57 Automation.
- 11.58 Prevention of overpayments, delinquencies, and defaults.
- 11.59 Office of General Counsel.
- 11.60 Sale of debts due the United States arising under programs administered by the Agency.
- 11.61 Referral of delinquent debts to Department of the Treasury for offsets against tax refunds.
- 11.62 Administrative charges incurred in referrals for tax refund offset.
- 11.63 Notice to debtor before tax refund offset.
- 11.64 Review within Federal Emergency Management Agency.
- 11.65 Stay of tax refund offset action.

Subpart D—Personnel Claims Regulations

- 11.70 Scope and purpose.
- 11.71 Claimants.
- 11.72 Time limitations.
- 11.73 Allowable claims.
- 11.74 Claims not allowed.
- 11.75 Claims involving carriers and insurers.
- 11.76 Claims procedures.
- 11.77 Settlement of claims.
- 11.78 Computation of amount of award.
- 11.79 Attorney's fees.

AUTHORITY: 31 U.S.C. 3701 *et seq.*

SOURCE: 45 FR 15930, Mar. 12, 1980, unless otherwise noted.

Subpart A—General

§ 11.1 General collection standards.

The general standards and procedures governing the collection, compromise, termination and referral to the Department of Justice of claims for money and property that are prescribed in the regulations issued jointly by the General Accounting Office and the Department of Justice pursuant to the Federal Claims Collection Act of 1966 (4 CFR part 101 *et seq.*), apply to the administrative claim collection activities

§ 11.2

of the Federal Emergency Management Agency (FEMA).

§ 11.2 Delegations of authority.

Any and all claims that arise under subchapter III of chapter 83, chapter 87 and chapter 88 of title 5, the United States Code, the Retired Federal Employees Health Benefits Act (74 Stat. 849), the Panama Canal Construction Annuity Act (58 Stat. 257), and the Lighthouse Service Widow's Annuity Act (64 Stat. 465) shall be referred to the Director of the Bureau of Retirement and Insurance, Office of Personnel Management, for handling. The General Counsel, FEMA shall act on all other claims against FEMA for money and property.

Subpart B—Administrative Claims Under Federal Tort Claims Act

§ 11.10 Scope of regulation.

This regulation applies to claims asserted under the Federal Tort Claims Act against the Federal Emergency Management Agency (FEMA). It does not include any contractor with FEMA.

§ 11.11 Administrative claim; when presented; appropriate FEMA office.

(a) For the purpose of this part, and the provisions of the Federal Tort Claims Act a claim is deemed to have been presented when FEMA receives, at a place designated in paragraph (b) or (c) of this section, an executed "Claim for Damage or Injury," Standard Form 95, or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, for personal injury, or for death alleged to have occurred by reason of the incident. A claim which should have been presented to FEMA, but which was mistakenly addressed to or filed with another Federal agency, is deemed to be presented to FEMA as of the date that the claim is received by FEMA. If a claim is mistakenly addressed to or filed with FEMA, the claim shall forthwith be transferred to the appropriate Federal Agency, if ascertainable, or returned to the claimant.

44 CFR Ch. I (10–1–99 Edition)

(b) Except as provided in paragraph (c) of this section, a claimant shall mail or deliver his or her claim to the Office of General Counsel, Federal Emergency Management Agency, Washington, DC, 20472.

(c) When a claim is for \$200 or less, does not involve a personal injury, and involves a FEMA regional employee, the claimant shall mail or deliver the claim to the Director of the FEMA Regional Office in which is employed the FEMA employee whose negligence or wrongful act or omission is alleged to have caused the loss or injury complained of. The addresses of the Regional Offices of FEMA are set out in part 2 of this chapter.

(d) A claim presented in compliance with paragraph (a) of this section may be amended by the claimant at any time prior to final FEMA action or prior to the exercise of the claimant's option under 28 U.S.C. 2675(a). Amendments shall be submitted in writing and signed by the claimant or his or her duly authorized agent or legal representative. Upon the timely filing of an amendment to a pending claim, FEMA shall have six months in which to make a final disposition of the claim as amended and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until six months after the filing of an amendment.

[45 FR 15930, Mar. 12, 1980, as amended at 48 FR 6711, Feb. 15, 1983; 49 FR 33879, Aug. 27, 1984]

§ 11.12 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property interest which is the subject of the claim, his or her authorized agent, or legal representative.

(b) A claim for personal injury may be presented by the injured person or, his or her authorized agent or legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate or by any other person legally entitled to assert such a claim under applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the